

Staff Report

July 10, 2018

TO: Honorable Mayor and Members of the Town Council
FROM: Sean Rabé, Town Manager
 Britton Snipes, Town Engineer/Public Works Director
DATE: July 10, 2018
RE: Mareta Lane (Live Oaks Maintenance District) Seal Coat Project

Recommendation

Staff recommends the Council adopt the attached resolution authorizing the Town Manager to directly negotiate with a contractor for the Mareta Lane Sealcoat project, per Public Contract Code Section 20166. Staff further recommends the Council authorize the Town Manager to enter into a contract with VSS International for the Live Oaks 2018 Street Improvements in an amount not to exceed \$39,732.

Issue Statement and Discussion

On March 13, 2018 Council directed staff to prepare plans, specifications and bid the Mareta Lane (Live Oaks Maintenance District) Seal Coat Project.

Staff prepared the plans and specifications. Bids were advertised on the Town website, Loomis News and California's Builders Exchange from May 3rd to May 24th. Bids were scheduled to be opened on May 24th. No bids were received on May 24th.

Staff then contacted sealcoat contractors to find out why they did not bid on the project. The reasons stated were that the job was too small and they were too busy.

Staff reached out to three local contractors and requested them to provide pricing for the work described in the bid documents. VSS International Inc, Simpson and Simpson, and Rock Bottom Asphalt.

VSS International was the only contractor that provided pricing. Their price of \$36,120 includes all the requirements specified in the original bid documents and is within the Live Oaks Maintenance District budget.

Staff recommends that Council authorize the Town Manager to negotiate directly with VSS International Inc. Per Public Contract Code Section 20166, and execute a contract in the amount of \$36,120. Staff also recommends the Council allow the Town Manager to execute change orders if they occur in an amount not to exceed \$3,612 (10 percent of the contract amount).

CEQA Requirements

This project is exempt under the California Environmental Quality Act (CEQA) Sections 15301(c&d) (Class 1), "Existing Facilities" of the guidelines.

Financial and/or Policy Implications

The \$39,732 is available in the Live Oaks Maintenance District.

Attachment

- A. Resolution
- B. Bid from VSS International

TOWN OF LOOMIS

RESOLUTION NO. 18 -__

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOOMIS AUTHORIZING THE TOWN MANAGER TO DIRECTLY NEGOTIATE WITH VSS INTERNATIONAL FOR THE LIVE OAKS MAINTENANCE DISTRICT (MARETA LANE) SEAL COAT PROJECT IN ACCORDANCE WITH CALIFORNIA PUBLIC CONTRACT CODE SECTION 20166 AND AUTHORIZING THE TOWN MANAGER TO ENTER INTO A CONTRACT FOR SAID SEALCOAT PROJECT IN AN AMOUNT NOT TO EXCEED \$36,120

WHEREAS, the Town desires to seal coat the paving on Mareta Lane; and

WHEREAS, the Live Oaks Maintenance District (Mareta Lane) Seal Coat project was advertised for bids on May 3, 2018 in accordance with the requirements of State Law and local ordinances; and

WHEREAS, no bids were received on May 24, 2018; and

WHEREAS, the California Public Contract Code Section 20166 states that, "if no bids are received, the legislative body may have the Project done without further complying with the public bid process; and

WHEREAS, staff then evaluated options with regard to completing some or all of the work and determined it would be infeasible for town staff to complete the work; and

WHEREAS, the Town Manager is now seeking authorization from the Town Council to directly negotiate pricing with qualified seal coating companies in order to complete the project, per PCC Section 20166; and

WHEREAS, the Town Manager is further seeking authorization from the Town Council to enter into a contract with VSS International Inc. on a not-to-exceed amount of \$36,120; and

WHEREAS, the Live Oaks Maintenance District has adequate funding for said work.

NOW, THEREFORE BE IT RESOLVED, that the Loomis Town Council does hereby authorize the Town Manager to directly negotiate pricing with qualified seal coat company in order to complete the project, per PCC Section 20166, and further authorizes the Town Manager to enter into a contract for said work in an amount not to exceed \$36,120. The Town Manager is further authorized to approve change order in an amount not to exceed \$3,612 (10 percent of the contract amount).

PASSED AND ADOPTED this 10th day of July, 2018, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

Mayor

ATTEST:

Town Clerk

PROPOSAL

LIVE OAKS 2018 STREET IMPROVEMENTS

The undersigned, as bidder, declares that the only persons or parties interested in this Proposal as principals are those named herein; that this Proposal is made without collusion with any other person, firm or corporation; that he has carefully examined the locale of the proposed work, the proposed form of contract; and he proposes and agrees if this Proposal is accepted that he will contract with the Town, in the form of a copy of the Agreement herein contained; to provide all necessary machinery, tools, apparatus and other means of construction, and to do all the work and furnish all materials specified in the contract, in the manner and time herein prescribed, and according to the requirements of the Town Engineer as therein set forth, and that he will take in full payment therefor, including all applicable State and Federal Taxes and utility connection or service fees, the following prices to wit:

WEBB STREET IMPROVEMENTS					
Item	Description	Quant.	Units	Item Price	Total
1	Mobilization (10% Max)	1	LS	\$746.50	\$746.50
2	Street Sweeping	1	LS	\$3,000.00	\$3,000.00
3	Traffic Control	1	LS	\$1,500.00	\$1,500.00
4	Type 1 Slurry Seal	5600	SY	\$4.96	\$27,776.00
5	Striping	1	LS	\$3,097.50	\$3,097.50
For the Live Oaks 2018 Street Improvements, the Lump Sum Price of:			Total Base Bid: \$36,120.00		

LS - Lump Sum, SF - Square Feet, LF - Lineal Feet, EA - Each

NOTE: THE CONTRACTOR IS ENCOURAGED TO INVESTIGATE THE PROJECT LIMITS TO SEE WHAT IS INVOLVED IN TRAFFIC CONTROL, DRIVEWAY CONFORMS, STRIPING, UTILITY BOXES AND ALL OTHER SCOPES OF WORK.

All utility boxes and manholes shall be protected from seal coat by the Contractor unless specifically stated in the specifications. The Contractor shall apply for permits and coordinate all inspections with the utility agencies. The contractor shall also pay for any Sewer TV inspections and/or other specialized verifications required by the agencies. Please contact the following agencies for more information: PCWA - 530-823-4886, SPMUD - 916-786-8555, Wave Cable - 916-630-7180, AT&T - 916-453-7116 and PG&E Gas & Electric - 530-889-3256.

Proposal - Experience Statement

A record of the Bidder's experience in construction of a type similar to that contemplated under this Contract shall be set forth in the Bid documents. It is the intent of the Town to award the Contract to the Bidder who furnishes satisfactory evidence of having the requisite experience and ability, and of having sufficient capital, facilities, and plant to enable him to prosecute the work successfully and properly, as well as to complete it within the time named in the Contract.

To determine the degree of responsibility to be credited to the Bidder, the Town will weigh evidence that the Bidder has satisfactorily performed other contracts of like nature, magnitude, and comparable difficulty and rates of progress.

A record of the Bidder's experience in construction of a type similar to that contemplated under this Contract shall be set forth in the Bid documents. Alternate forms of an "Experience Statement" which may be submitted:

- A. Standard list of past jobs/clients typically documented by your firm.

Proposal - Noncollusion Affidavit
(To Be Executed By Bidder And Submitted With Bid)

Live Oaks 2018 Street Improvements Project

In accordance with PUBLIC CONTRACT CODE § 7106, the bidder declares that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

NOTE: The above NONCOLLUSION AFFIDAVIT is part of the PROPOSAL. Signing this PROPOSAL on the signature portion thereof shall also constitute signature of this NONCOLLUSION AFFIDAVIT.

Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.

FOR OUR STATISTICAL INFORMATION:

Is your firm a Caltrans certified Minority Business Enterprise or Woman Business Enterprise (MBE/WBE)?

Yes/No: NO

Ethnic/Minority Category:

ADDENDA - This Proposal is submitted with respect to the changes to the Contract included in Addendum Numbers

(Fill in Addendum Numbers if Addenda have been received)

WARNING: If an Addendum or Addenda have been issued by the Town and not noted above as being received by the Bidder, this Proposal may be rejected.

If this Proposal is accepted and the undersigned should fail to contract as aforesaid, and to give the bonds in the sum determined as aforesaid, with surety satisfactory to the Town, within ten calendar days from the date of such acceptance, the Town may, at its option, determine that the bidder has abandoned the contract, and thereupon this Proposal and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this Proposal shall operate and the same shall be the property of the Town.

Accompanying this Proposal is bidder's bond in the amount equal to at least ten percent of the bid.

Bidder VSS International, Inc. that Contractor's insurance underwriter shall submit proof of insurance using Town

(certifies or does not certify)

Insurance Forms. NOTE: Waiver of Subrogation for Workers Compensation is required for this project. Also, Builder's Risk may be required. If the Insurance Forms are not acceptable to the Town, the Town may, at its option, determine that the bidder has abandoned the contract, and thereupon this Proposal and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this Proposal shall operate and the same shall be the property of the Town.

WITNESS our hand(s) this 4th day of June, 2018.

SIGNATURE OF BIDDER OR BIDDERS

VSS International, Inc.
(Firm Name)

ADDRESS: 3785 Channel Drive

West Sacramento, CA 95691

BY: (Signature)

Jeff Roberts

(Printed Name)

TITLE: Vice President

PHONE NO.: (916) 373-1500

293727 A, B & C12
[Contractor's License Number & Classification(s)]

03/31/2019

[Expiration Date on License]

Western Surety Company

BID BOND

Bond No. Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that we, VSS International, Inc.,
as Principal (hereinafter called the "Principal"), and Western Surety Company,
8880 Cal Center Drive, Ste 410, Sacramento, CA 95826 (hereinafter called the "Surety"), are held
and firmly bound unto Town of Loomis,
as Obligee, (hereinafter called the "Obligee"), in the sum of 10 % of the amount of the bid
described below but not to exceed Ten Percent of The Amount Bid
Dollars (\$ 10%) for the payment of which sum well and truly to be made, the said
Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and
assigns firmly by these presents.

WHEREAS, the Principal has submitted a bid to Obligee for Live Oaks 2018 Street Improvements

NOW, THEREFORE, If the contract be timely awarded to the Principal and the Principal shall
enter into a contract with the Obligee in accordance with the terms of such bid or, in the event of the
failure of the Principal to enter into such a contract, if the Principal shall pay to the Obligee the
difference not to exceed the penalty hereof between the amount specified in said bid and the next low
bid received by the Obligee for the work covered by Principal's bid, then this obligation shall be null
and void, otherwise to remain in full force and effect.

PROVIDED, HOWEVER, neither Principal nor Surety shall be bound hereunder unless Obligee
prior to execution of the final contract shall furnish evidence in a manner and form acceptable to
Principal and Surety that financing has been firmly committed to cover the entire cost of the project.

SIGNED, sealed and dated this 1st day of June, 2018

VSS International, Inc.

Principal

By

Title

Jeff Roberts, Vice President

Western Surety Company

By

Kathleen E. Earle

Kathleen E. Earle, Attorney-in-Fact

Local Agent of Surety:

Andreini & Co.

2010 Crow Canyon Place, #320

San Ramon, CA 94583

(925)884-2286

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

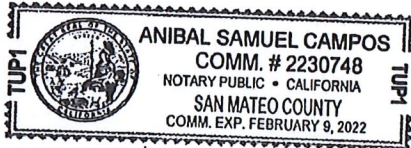
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Contra Costa)
On JUN - 1 2018 before me, Anibal Samuel Campos, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Kathleen E. Earle
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☒ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Steven N Passerine, Kathleen E Earle, Benjamin Wolfe, Individually

of San Ramon, CA, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 15th day of August, 2017.



WESTERN SURETY COMPANY

Paul T. Bruflat
Paul T. Bruflat, Vice President

State of South Dakota }
County of Minnehaha } ss

On this 15th day of August, 2017, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

June 23, 2021



J. Mohr
J. Mohr, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 1st day of June, 2018.



WESTERN SURETY COMPANY

L. Nelson
L. Nelson, Assistant Secretary

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of YOLO

On June 1 2018 before me, Cindy R. Sapigao, Notary
(insert name and title of the officer)

personally appeared Jeff Roberts
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Cindy R. Sapigao

(Seal)

